

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

RICARDO GIL TORRES-ROSARIO, YAZMIN VELEZ-HERNANDEZ, per se and representing their minor child MSTV* and their marital partnership, society of earnings * Plaintiffs v. Zimmer d/b/d Zimmer Biomet, Zimmer Puerto Rico, Inc., Victor Krone, John Doe, Richard Roe and their* respective insurance companies Defendants	* * * * * * * * *	CIVIL NO. 24-1529 () ABOUT: Title VII, Civil Rights Act 1964, Discrimination, national origin/Hispanic, Retaliation/Reprisal, Illegal Dismissal, Due Process violations, State & Federal labor laws violations, including Public Law No.80 & Torts ¹ JURY TRIAL REQUESTED

COMPLAINT

TO THE HONORABLE COURT:

Comes plaintiff, through the undersigned attorney, and very respectfully states, alleges and prays:

I. JURISDICTION:

1. This Honorable Court has jurisdiction pursuant to 28 United States Code §§ 1331 and under Title VII, Civil Rights Act 1964 (discrimination for nationality/national origin), Due Process Violations and Retaliation/Reprisal.

2. Plaintiffs also invoke Torts' claims, previously known as articles 1802 and 1803 of Puerto Rico Civil Code² and the Puerto Rico Law against discrimination and retaliation under the supplemental jurisdiction principles in the interest of judicial efficiency and economy, 28 United States Code § 1367.

¹ *Codigo Civil de 2020* as amended, that became effective on November 28, 2020.

² *Codigo Civil de 2020* as amended, that became effective on November 28, 2020.
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3. Plaintiffs invoke violation to Commonwealth of Puerto Rico Labor Laws including Public Law No. 80 of May 30, 1976 as amended, state laws against retaliation, and equivalent Federal Labor Laws (United States Code) under the supplemental jurisdiction principles in the interest of judicial efficiency and economy, 28 United States Code § 1367.

4. This Honorable Court also has venue pursuant to 28 United States Code § 1391 since the claims asserted in this action arose in this judicial district.

5. Trial by jury is hereby requested.

II. PARTIES:

6. Plaintiffs Ricardo Gil Torres-Rosario and Yazmin Velez-Hernandez are of legal age, married, and are American citizen and residents of Ponce, Puerto Rico.

7. Plaintiffs address is Urb. Palacios del Prado, No. 10 Mar Caribe Street , Juan Diaz, PR 00795, phone number: (939) 500-0636.

8. Defendants Zimmer d/b/d Zimmer Biomet is a corporation dedicated to manufacture medical / devices equipment worldwide. *“Our global team designs, manufactures and markets effective, innovative solutions that support orthopaedic surgeons and clinicians in restoring mobility, alleviating pain and improving the quality of life for patients around the world”*³. Zimmer Biomet Headquarters and corporate offices are located at 1800 West Center St. Warsaw, Indiana 46580 USA. General Inquiries. 1-800-348-2759. Surgical. 1-800-830-0970.

³<https://www.zimmerbiomet.com/anz/corporate/about-zimmer-biomet/about-us.html>
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8a. Zimmer Puerto Rico, Inc. is a subsidiary of Zimmer d/b/d Zimmer Biomet, the company has a manufacture plant in Ponce, Puerto Rico. It's address is Turpeaux Industrial Park, Road 1 Km 123.4, Ponce, PR 00717-0261, Phone Number: (787) 259-5959, 259-5918, E-mail Address: victor.krone@zimmerbiomet.com.

9. Defendant Victor Krone was the Vice President for America / Latin America Region for Zimmer d/b/d Zimmer Biomet at the time of the facts alleged in the complaint. His address is Turpeaux Industrial Park, Road 1 Km 123.4, Ponce, PR 00717-0261, Phone Number: (787) 259-5959, 259-5918, Mobile: (215)287-6642. Address: victor.krone@zimmerbiomet.com.

10. John Doe and Richard Roe are those persons who are in any way responsible for the facts and the damages alleged in this complaint. Included are the insurance companies of all the defendants.

III. FACTS:

Related to all claims against defendants.

11. Plaintiff Ricardo Gil Torres-Rosario was born and raise in the Island of Puerto Rico. He is from Ponce and was born on 1971, he is 53 years old. Plaintiff Yazmin Velez-Hernandez was born and raise in the Island of Puerto Rico.

12. Plaintiff Ricardo Gil Torres-Rosario was an employee of Zimmer d/b/d Zimmer Biomet, working as Site Director / Plant Manager in the Ponce's Assembly and Manufacturing Plant. He suffered violations to his civil rights, due process, discrimination, labor law violations (state and federal law), retaliation/reprisals, personal damages under article 1802 and 1803, violations to Due Process, etc. while

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working for Zimmer d/b/d Zimmer Biomet.

13. Plaintiff Ricardo Gil Torres-Rosario was an employee of Zimmer d/b/d Zimmer Biomet for over seven (7) years (approximately), starting as an Manufacturing Associate Director, later was promoted to Site Director / Plant Manager. He was an excellent career employee, commended several times for his performance and without any derogatory action or appraisal in his record.

14. Since the recent changes in the Senior Management and the region including the actions of defendant Victor Krone (Vice President for America / Latin America Region for Zimmer d/b/d Zimmer Biomet) in the Ponce Plant. He exhibit discrimination to the employees of Hispanic origin / locals / Puerto Rican's employees including plaintiff Ricardo Gil Torres-Rosario and to other employees from the Island of Puerto Rico, also including plaintiff Torres-Rosario.

15. Since the recent changes in the senior management, his immediate supervisor was Victor Krone, Vice President for America / Latin America Region. Since his supervisor (Victor Krone) was appointed, he exhibited discrimination against the Hispanic / Puerto Rican's employees including plaintiff Ricardo Gil Torres-Rosario and to the employees from the Island of Puerto Rico. He ordered the dismissal of several employees without any cause and without even consulting with plaintiff Ricardo Gil Torres-Rosario, at the time Site Director / Plant Manager. The series of acts against plaintiff Ricardo Gil Torres-Rosario were done contrary to the company's policy and in clear discrimination against Mr. Torres-Rosario due to his place of origin, see attached chronology of events (**Exhibit I**).

16. Plaintiff Ricardo Gil Torres-Rosario filed a complaint to the employer thru the human resources officer and his next level supervisor.

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17. Immediately after Plaintiff Ricardo Gil Torres-Rosario's complaint for discrimination, he was terminated on April 29, 2024. The employee was illegally and arbitrarily dismissed in reprisal/retaliation for his complaint. Employer fired him based on his supervisor (Victor Krone - Caucasian, white American, continental USA) discriminatory decision based on claimant national origin / Hispanic / Puerto Rican in violations of the civil rights act / Title VII.

18. Plaintiff Ricardo Gil Torres-Rosario was humiliated, bullied, discriminated, and his civil rights violated in reprisal and retaliation by his supervisor and his employer Zimmer d/b/d Zimmer Biomet.

19. Defendants actions against plaintiff Ricardo Gil Torres-Rosario are in violation of Title VII, Civil Rights Act 1964. He was discriminated due to his nationality/national origin. His rights under the Due Process were violated.

20. Plaintiff filed a complaint in the U. S. Equal Employment Opportunity Commission (EEOC) on June 14, 2024. Later on July 30, 2024, a Notice of Right to Sue was requested. The Notice of Right to Sue was received. Later the Department of Labor of the Commonwealth of Puerto Rico (State) issued a determination on the dismissal, (**Exhibit II**).

21. The wrongful and negligent acts of all co-defendants, their managers, officials, employees, and representatives, were the direct cause or contributed to the facts alleged in the complaint and all the damages suffers by the plaintiffs.

IV. CAUSES OF ACTION:

All the paragraphs stated herein the Jurisdiction and Facts are literary incorporated herein and are made part of the following paragraphs and causes of action.

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First Cause of Action

22. Plaintiff Ricardo Gil Torres-Rosario rights under the provisions of Title VII, Civil Rights Act 1964 (discrimination for national origin) were violated by defendants.

Second Cause of Action

23. Plaintiff Ricardo Gil Torres-Rosario rights under the provisions of the Due Process were violated by defendants.

Third Cause of Action

24. Plaintiff Ricardo Gil Torres-Rosario suffered reprisal and retaliations for filing a report and reporting to defendant Zimmer d/b/d Zimmer Biomet the multiple violations under the provisions of Title VII, Civil Rights Act 1964 (discrimination for national origin) committed by defendants including co-defendants Victor Krone and others.

Forth Cause of Action

25. Plaintiff Ricardo Gil Torres-Rosario rights under the provisions of multiple Commonwealth of Puerto Rico (State) and Federal labor laws were violated and are invoked, defendants are liable. The Puerto Rico Law against discrimination and retaliation under the supplemental jurisdiction principles in the interest of judicial efficiency and economy, 28 United States Code § 1367 were violated by defendants.

Fifth Cause of Action

26. Plaintiff Ricardo Gil Torres-Rosario rights under the provisions of the *Article 1802* and *1803* of *Puerto Rico Civil Code*, Torts⁴ are invoked, defendants are liable. The Puerto Rico Law against

⁴*Codigo Civil de 2020* as amended, that became effective on November 28, 2020.
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discrimination and retaliation under the supplemental jurisdiction principles in the interest of judicial efficiency and economy, 28 United States Code § 1367 were violated by defendants.

Forth Cause of Action

27. Plaintiff Ricardo Gil Torres-Rosario rights under the provisions of the Commonwealth of Puerto Rico Labor Laws including *Public Law No. 80 of May 30, 1976* as amended, state law against retaliation, and equivalent Federal Labor Laws (United States Code) were violated by defendants.

V. DAMAGES:

All the paragraphs stated herein in the Jurisdiction, Facts and Causes of Action are literary incorporated herein and are made part of the following paragraphs and causes of action. All defendants are jointly responsible for all damages caused and suffered by the plaintiff.

28. Plaintiff Ricardo Gil Torres-Rosario rights under the provisions of the Title VII, Civil Rights Act 1964 (discrimination for sex/gender and national origin) were violated by defendants. He suffered damages; damages estimated on \$1,000,000.00.

29. Plaintiff Ricardo Gil Torres-Rosario was illegally terminated/fired without a just cause; a valid cause as established under Commonwealth of Puerto Rico *Public Law No. 80 of May 30, 1976* as amended, damages estimated on \$1,000,000.00.

30. Plaintiff Ricardo Gil Torres-Rosario rights under the provisions of the Due Process were violated by defendants, damages estimated on \$500,000.00.

31. Plaintiff Ricardo Gil Torres-Rosario rights under the provisions of multiple Commonwealth of Puerto Rico (State) and Federal labor laws were violated and are invoked, defendants are liable. The

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Puerto Rico Law against discrimination and retaliation, damages estimated on \$500,000.00.

32. Plaintiff Ricardo Gil Torres-Rosario, has suffered and continue to suffer mental anguish, severe emotional distress, affliction, anguish, deprivation and suffers still today because of the sudden loss of his job and the discriminatory acts against him. Damages that sum the amount of \$1,000,000.00.

33. Plaintiff Ricardo Gil Torres-Rosario, has suffered and continue to suffer mental anguish, severe emotional distress, affliction, anguish, deprivation and suffers still today because of the sudden loss of his job and the discriminatory acts against him, under Torts⁵. Damages that sum the amount of \$500,000.00.

34. Co-plaintiff Yazmin Velez-Hernandez, has suffered and continue to suffer mental anguish, severe emotional distress, affliction, anguish, deprivation and suffers still today due to her husband sudden loss of his job and the discriminatory acts against him, under Torts⁶. Damages that sum the amount of \$500,000.00.

35. Co-plaintiff MSTV, has suffered and continue to suffer mental anguish, severe emotional distress, affliction, anguish, deprivation and suffers still today due to her father sudden loss of his job and the discriminatory acts against him, under Torts⁷. Damages that sum the amount of \$500,000.00.

WHEREFORE, plaintiffs respectfully pray from this Honorable Court to render Judgement in favor of plaintiffs and to award them a sum no less than five million five hundred thousand dollars

⁵ *Codigo Civil de 2020* as amended, that became effective on November 28, 2020.

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(\$5,500,000.00) suffered by plaintiff because of defendants wrongful acts and combined negligence, plus

an additional amount for attorney fees and court costs, all to be paid severally by defendants.

JURY TRIAL DEMANDED.

RESPECTFULLY SUBMITTED.

In Ponce, Puerto Rico, this 11th day of November of 2024.

I HEREBY CERTIFY, that on this same date a true and exact copy of this document has been filed electronically using CM/ECF system in US District Court and the CM/ECF System will send notification of the filing to:

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